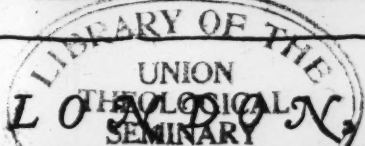


England Enslaved^d
UNDER
POPIISH SUCCESSORS
BEING A
True HISTORY
OF THE
OPPRESSIONS this NATION
Groaned under in Times of
P O P E R Y.



Printed for Jonathan Wilkin at the Star in
Cheapside, next Mercers Chappel. MDCLXXXI.

Downloaded from www.worldscientific.com by UNIVERSITY OF NEWCASTLE on 07/18/18. For personal use only.

2000

(2012) 25/02/2012

incalpain

(1)

1681

THE ENGLAND'S Grievances

in Times of P O P E R Y.

176663

SECTION I.

IT appeareth as well by the Pope's Laws delivered in Decretal Epistles, which were particularly, and upon sundry occasions directed to the Bishops and other Clergy-men of this Realm of England in Popish times; as also by the report of our English Histories; that at such time as the Bishop of Rome had his full way in this Realm, the Authority of the King was so obscured, as there was hardly left any shew of his Sword and Dignity. And on the other side, the Subjects destitute of succour by their Natural Prince, and left to a most miserable spoil and rapine of the Pope, and of such as it pleased him to give them in prey; whereof these special Grievances here collected, may serve for testimony; besides a number of others, which come not to my memory; but may be easily supplied by any indifferent mans careful Reading.

GRIEVANCES.

I. The first Grievance was, *The Exemption of the Clergy*; who being a considerable part of the Realm, by reason that great numbers as well looking to Preferments that then were bestowed upon that State; as also drawn by Priviledges and Immunities which they infinitely enjoyed above others, sought to be of that number, were wholly exempt (or at least so took themselves to be) from all Jurisdiction of the King and his Justices, not in Ecclesiastical Causes only, as then they were termed, but even in Causes Civil, and in Matters of Crime; though the same touched the Prince and his Danger in the highest degree.

Exemption of the Clergy.

The Popes Laws to this purpose are to be seen in *C. Clerici extr. de feudicis, C. seculares de foro competenti in 6^o*. and a special Constitution Provincial of this Realm made by Boniface Archb. sh^p of Canterbury in the time of King Henry the Third, in the Council of Westminster or Lambeth Anno 1270 or 1272. *vid. Pryne's Exact History of Pope's Intollerable Usurpations upon the Liberties of the King and Subjects of England and*

Ireland: Vol. 2. lib. 4. c. 3. Joh. de Aton. Constitut. Guil. Lindwood.

Touching the Practice, it is recorded in the Decretals that Pope *Alexander III.* in the time of the Reign of King *Stephen*, wrote to the Bishop of *London*, to take Order by his Jurisdiction in a Civil Controversie of Goods left in the Custody of a Clerk; *c. 1. de Deposito.*

Likewise it doth there appear, that in the time of King *Henry II.* Pope *Lucius III.* wrote to the Bishops of *Ely* and *Norwich*, to compel a Clerk to save his Sureties harmless: And to like purpose he wrote in another Case to the Archbishop of *Canterbury*.

King *Henry III.* pretending Title by his Prerogative, or by the Common Law, to certain Lands, which the Archbishop of *Canterbury* claimed to be parcel of the possessions of his Church, was compelled to answer the Bishop in that Cause in the Court of *Rome. Mat. Paris fol. 494.*

Adam Tarlton, or *d'Orleton*, Bishop of *Hereford*, in a Parliament holden at *London* in the year 1324, was accused of Treason against King *Edward II.* as having aided the *Mortimers* with Men and Money against that King. Being brought before the King, and claiming his Privilege to be judged by the Pope, he was forthwith rescued by the rest of the Clergy. After a few dayes the King caused him to be brought before him, and when he should have been arraigned (a thing till that time never heard of, that a Bishop should be arraigned) the boldness of the three Archbishops of *Canterbury*, *York*, and *Dublin*, was very strange; for they, with ten other Bishops, with their Crosses erected, came to the Bar before the Kings Justice, and took him from thence into their own Custody. In his absence he was attainted with High Treason notwithstanding, and his Temporalties were seized into the King's hand, until such time as the King (much by his device and machination) was deposed of his Kingdom. But though the King took away his goods, yet he was not suffered to meddle with his Body. *Tho. Walsingham Hist. Angl. p. 98, 99.*

S E C T. 2.

Restraint
of making
Laws for
Policy.

2. Whatsoever Laws the King in his Parliament made, which in any sort impeached the Privilege or Liberty of the Clergy, or touched their Lands or Goods, were for that time holden by the Pope and his Clergy, void, and of no force. And it helped not the King, how just cause soever he pretended of any right appertaining to his Ancestors.

For so are the Popes Laws in precise terms, save that some of the later sort reserve to the King, Laws touching Services, and some other rights in Church lands. *c. qu. Ecclesiarum de Constit. c. Eccles. Sanct. Alar. c. Noverit. & c. Gravum, de Sententia Excommunicationis.*

And

And some Popes were so jealous over Princes in the Point, that they refused to allow Laws by them made to the benefit of the Church. As where *Basil* Lieutenant to *Odoacer* King of the *Lombards*, provided by Law in favour of the Church, that no Prescription should make his Title good, who had bought ought of the Church; the Pope mistaking that a Lay-man should deal in those Causes, disannulled the Law. *c. Penes quidam, Distinct. 96.*

The practice of this injury is notable in the dealing of *Thomas* Archbishop of *Canterbury* with King *Henry II.* For whereas the King in his Parliament had made very reasonable Laws in maintainance of the Ancient Rights of the Crown, against the licentious Liberties claimed by the Clergy: Among which, one was, That Clerks in Causes of Felony and Murder, should be tried by the Laws of the Realm (for that it was shewed unto the Parliament that then an hundred Murthers had been committed by Church-men, not duly punished) whereunto the said Archbishop and the rest of the Prelats gave their consents, and bound themselves to the observation of them by their Oaths; the Archbishop afterwards grudging at these Laws, departed the Realm, obtained at the Pope's hand Absolution from his Oath, and forced the King to answer for those Laws in the Court of *Rome*; where the King finding no favour, that Garboil ensued, which after fell out betwixt the King, the Pope, and the Archbishop; and many Murthers committed upon Clerks by the Lay-subjects, who greatly stomached this Indignity offered to the King.

The Pope fearing two such Potentates as the Kings of *England* and *France*, determineth to labour a Reconciliation betwixt the King and the Archbishop, and to make the French King a Mediator for the Archbishop. This he effected, and brought the two Kings together at *Paris*. Thither also came *Thomas Becket*, who being come into the King's presence, falling down upon his knees, used these words, *My Lord and Sovereign, I do here commit unto your own judgment the Cause and Controversy between us, so far forth as I may, salvo honore Dei; saving the honour of God.* The King being much offended with that last Expression [*Salvo honore Dei*] turned himself about unto the French King, and said, *See you not, how he goeth about to delude me with this Clause* [*Saving the honour of God,*] *for whatsoever shall displease him, he will by and by alledge to be prejudicial to the honour of God: But this I will say to you, whereas there have been Kings of England, many before me; whereof some were peradventure of greater power than I, the most far less; and again, many Archbishops before this man, holy and notable men. Look what Duty was ever performed by the greatest.*

So *Nu-*
burgensis
noteth, *lib.*
2. cap. 15.

Mat. Paris
Hist. Angl.
fol. 1. 4.
135.

Godwin's
Catalogue
of English
Bishops.

est Archbishop that ever was, to the weakest and simplest of my Predecessors. Hereunto the Archbishop answered cunningly and stoutly That the times were altered, his Predecessors, which could not bring all things to pass at the first dash, were content to bear with many things and that (as men) they fell, and omitted their Duty often times: that what the Church had gotten was by the diligence of good Prelates, whose Example he would follow thus far forth, as that if he could not augment the Priviledges of the Church in his time, yet ye would never consent they should be diminished. This Answer being heard, all Men cried shame upon him, imputing the cause of these stirrs upon him and so they parted at that time without reconciliation.

Another instance I will give, namely, that of Cardinal Pool, who in the Dispensation granted to the Realm in the time of Queen Mary, for determining Church Lands, &c. Doth therein plainly declare, that it was of favour, and in regard of the Peace of the Realm, that he so dispensed; otherwise all Laws made in derogation of the Churches Rights, were void.

S E C T. 3.

The King forbidden to levy Subsidies upon the Clergy.

So are his Laws in *c. adversus. Ext. de Immunitate Ecclesiarum, c. 1. de Immunit. Ecclesiar. in sexto c. Clericis, eodem.*

Roger Flo-
viden An-
nal pars 10.
f. 106 p. 11,
817.
Matth Pa-
ris p. 146,
157, 158.
Edinched p.
143, 147,
153, 170,
Gidman in
L. 1. Lib.

King John demanding of his Subjects, as well Spiritual as Temporal, a thirteenth part of their Goods and Chattels, Geoffrey Plantagenet, Archbishop of York, the Kings base Brother, opposed it. Sofero-
saith Mr. Frynne out of divers Authors, That he obstructed the levy-ritu-
ing of Caruage (demanded and granted to the King by common con-
sent, and paid by all others) on the Demesne Lands of his Church or
Tenants, beating the Sheriff of York's Servants, excommunicating
the Sheriff himself by Name, with all his Aiders, and interdicted
his whole Province of York for attempting to levy it. Wherefore
the King incensed for these intollerable Affronts, summoned him to
answer these high Contempts; his not going over with him into Nor-
mandy, when summoned; and also to pay him 3000 Marks due to
his Brother King Richard: and by his Writs commanded all the Arch-
bishops Servants (where-ever they were found) to be imprisoned
(as they were) for beating the Sheriffs Officers, and denying to give
the King any of the Archbishops Wine passing through York; sum-
moned

mon
issue
pora
cute
Mid
with
four
abso
he h
K
Ribs
Parl
of h
of C
part
cure
take
Eccle
Kin
the
Kin
con
4
sure
nou
to
F
Sofero
ritu-
mu
I
of C
the
call
stic
Kir
Co
(a
the
Th

moned *Geoffrey* into his Court to answer all these Contempts, and issued Writs to the Sheriff of *Yorkshire*, to seize all his Goods, Temporalities, and to return them into the Exchequer, which was executed accordingly. The King and Queen repairing to *York* the next Mid-Lent, the Archbishop upon more sober thoughts, made his Peace with the King, submitted to pay such a Fine for his Offences, as four Bishops, and four Barons elected by them, should adjudge, and absolved *William de S. uvil* the Sheriff, and *James de Paterna*, whom he had excommunicated, and recalled his former Interdict.

King *Edward* the First was in a like case resisted; by means of *Robert Kilwarby*, Archbishop of *Canterbury*. For when the King in Parliament, holden at *St. Edmonds-bury*, demanded there a Subsidy of his Subjects, the Temporalty yielded an Eighth part of the Goods of Citizens and Burgesses; and of other Lay Persons the twelfth part: but the Clergy encouraged by the Archbishop, who had procured from Pope *Boniface* the VIII Immunity from Subsidies (which I take to be the same that is before recited, *Ex. c. i. de Immunitate Ecclesiarum in Sexto*) refused to yield any thing; whereupon the King called another Parliament at *London* without the Clergy, where the Goods of the whole Clergy were declared to be forfeited to the King; so as afterwards most of the Clergy were content with any condition to redeem that forfeiture.

S E C T. IV.

4. The Kings own Subjects were by the Pope armed with Censures of Excommunication, Interdiction, &c. by them to be denounced against him, for redress of such wrongs as it pleaseth them to take themselves injured by.

Pope *Innocent* IV. hath decreed, that a Prelate having wrong offered him by a Temporal Judge, may defend himself with the Spiritual Sword of Excommunication. *c. Dilecto. De sententia Excommunicationis in Sexto.*

In the Fortieth year of King *Henry* the Third, *Boniface*, Archbishop of *Canterbury*, made a large Constitution, wherein he setteth forth how the Clergy shall proceed against the King, by whose Writ a Clerk is called in his Court to answer for Matters pertaining to the Ecclesiastical Judge; and declareth that it shall be lawful to interdict all the Kings Lands and Possessions. This Archbishop had summoned a Council of Bishops and Archdeacons, that like the Martyr *Thomas* (saith *Matthew Paris*) he might encounter the Enemies and Rebels of the Church, and be a Wall of Defence unto it, as was pretended. The King directed his Prohibitions to him and the Bishops, not to meet

This is repeated by *William Thoun* a Monk of *Canterbury*.

Subj. As Armed against their Sovereign.

in this Council, which they condemn. The Articles and Canon made in that Council, were against the Kings Prerogative Ecclesiastical and Temporal; his Temporal Judges, Courts, Laws, Prohibitions, Writs, and Judgments: Exempting of themselves, their Clerks, Officers, Lands and Goods, from their Secular Jurisdiction and Judicatures: Decreeing Interdicts and Excommunications against the King, his Judges, Officers, Lands, Castles, and Lay-subjects, for which Liberties they resolved to contend even unto Death. The Archbishop was forced by the King and Barons, to fly the Kingdom for this and other like Constitutions, against whom they complained, appealed, and sent their Proctors to *Rome*. Which Constitutions are yet Printed in *Lyndewood*, and *Aton*, and urged for the Canon-Law of this Realm by some aspiring Prelates, and Ignorant Canonists of late times (saith Mr. *Prynne*) though always opposed in such manner as hath been related; yea, totally neglected, or seldom put in use in times of Popery by those which made them: as *Lyndewood* himself acknowledgeth in his Epistle to *Henry* Archbishop of *Canterbury*, before his *Provinciale*.

Prynne's Ex-
act Hist.
vol. 2.

S E C T. V.

The Kings
Prohibiti-
ons Con-
temned.

5. The King's Prohibition disobeyed by the Popes Warrant is another Grievance complained of in those days. For Pope *Eugenius* hath so decreed, That no Spiritual Judge shall stay from proceeding in any Cause termed Ecclesiastical, in regard of the Kings Prohibitions. *c. Decernimus Extra de judiciis.*

The Prohibitions sent by our Kings, their Council, Courts, Judges, to Archbishops, Bishops, Archdeacons, Officials, and other Ecclesiastical Persons, were some of them against admitting Clerks to Benefices or Prebendaries, till the Title were tried in the Kings Courts. Some against holding Plea of Advowsons of Chappels, Churches, Prebendaries; or determining the Rights of Patronages to Churches; Chappels, and Prebendaries, in Ecclesiastical Courts, or before Popes Delegates: Against Alienation of Lands *in Capite*, *in Mortmain*, or otherwise: Against granting Administrations of Intestates Goods, Debtors, or Accomptants to the King, till the Kings Debts satisfied. Against Appeals to Popes, or any other (in cases of Certificates of Bastardy) to the Kings Courts; or trying Bastardy in Spiritual Courts, their Canons crossing the Common Law therein. Against Abbots, or Convents, borrowing, or others, lending them, Moneys upon Bond, without their joyned consent and the Kings, &c. Against Archbishops Consecrating Bishops Elect, not approved of by the King after their Election. Against their holding and meeting in

Prynne's Hist.
of Popes U-
surpations.
Vol. 2. p.
353 394,
878, 879.

Con-

Convocations or Council, or acting and doing any thing in them, prejudicial to the King or Kingdom. Some Prohibitions were against Bakers imprinting the sign of the Cross; *Agnus Dei*, or name of *Jesus*, upon Sale-bread. Some against Bishops, and other their Officers, citing Lay Persons to make Inquisitions, Presentments, or give testimony upon Oath, or excommunicating them for not taking Oaths in any case, except in matters of Matrimony and Testament, being against the Kings Prerogative, Law, or Custom of the Realm, &c. *Against* their holding Plea of any Chattels or Goods, which concerned not Marriage or Testament; or of Goods Testamentary, for which there is Suit in the Kings Exchequer. *Against* their Citing, Excommunicating, or Interdicting any of the Kings Barons, Bailiffs, Judges, Officers, Sheriffs, for executing the Kings Writs, or Misdemeanours in the execution of their Offices; or any of his Tenants *in Capite*, or of his Demesne Lands, Cities, Castles, without his special License, or Lieutenants, &c. *Against* Archbishops, Bishops, Convents, or others, presenting to Livings, or Prebends belonging to the King, during Vacations. *Against* disturbing the Possessions of the Kings Clerks, presented by him to Benefices, or Prebends; or Judgments in his Courts by any process out of Ecclesiastical Courts; or from the Pope or his Delegates. *Against* Suits in Ecclesiastical Courts, *Pro latione fidei*, or breach of Oaths in civil Contracts. *Against* suing there for Lands devised by Custom, or Actions of Debt devised by the Testator. *Against* Ordinaries, malicious Excommunications, or Arresting, or Imprisoning Persons unjustly Excommunicated by them, or for bringing Prohibitions to prevent them. *Against* the bringing of any Bulls, Letters from, or sending any Letters to the Pope or Court of *Rome*, prejudicial to the King or Realm. *Against* citing, or drawing any of the Kings Subjects for any Suits to *Rome*, or out of the Realm, by the Pope, his Delegates, or others. *Against* collecting any Aid, Disme, or Money for the Pope or others, by the Popes Authority, without the Kings special Licence and Consent, by Popes Nuncios, Legats, Bishops, or any others. *Against* Popes Provisions to Benefices, Prebendaries, &c. belonging to the Kings Presentation in right of his Crown; or by his Prerogative in Vacant Bishopricks, Monasteries, Wardships; or to his free Chappels, or Churches appropriated. *Against* Clerks and others going to *Rome*, without taking a special Oath to procure nothing to the Kings or Kingdoms damage. *Against* Popes Legates or Agents, coming into the Realm, unless sent for; and taking an Oath to do or bring nothing to the

prejudice of the King, Church, or Kingdom. *Against* receiving or assisting a Bishop or Archbishop, made by the Popes Provision *Against* Popes and their Delegates, Sequestration of the Temporalities, Goods and Profits of Monasteries. *Against* Sheriffs or Gaolers, detaining Clerks in Prison after demand by their Ordinaries. *Against* the *Cruce signati*, or others going over Sea out of the Realm, without the Kings special Licence. *Against* offering violence to the Goods or Persons of Clerks, Churches, or Church-yards. *Against* removing Moneys of Delinquents, and Aliens out of Monasteries. *Against* offering Violence to Jews or their Goods. *Against* Noblemens siding with Bishops in their Quarrels. *Against* suits between Persons for Tithes, when the Patron may be prejudiced, or for the Money of Tithes sold; until it be discussed by the King and Council, whether the Right belongs to the King, or whether the Cause belong to the King or the Ecclesiastical Court. *Against* Examining things in the Ecclesiastical Court, that have been judged in the Kings Courts, in cases of Presentations to Churches; and the like. *Against* Womens Marriages, who held Castles, or Lands in *Capite*, without the Kings Licence.

S E C T. 6.

Restraint
of the Com-
mon Law.

Usurpation
against
Common
Law.

The King
not permit-
ted to use
the Com-
mon Law
in some
Cases of
Lay Per-
sons.

6. Another Grievance was, That the King was forbidden in causes of Clerks, to use the Canon Laws of his Realm, but is commanded to decide them only by the Common Law. *c. Quod Clericum de foro competenti*. Some Causes ever taken to be merely Civil, and to appertain to the Crown, were drawn to the Ecclesiastical Authority: As namely, The right to determine Questions of Patronage, whereof Pope *Alexander* the Third wrote to the King of *England*, that it was to be tried by Ecclesiastical Laws, and before an Ecclesiastical Judge; *cap 3. Extra de judiciis*. Again in some Causes Civil, the King was restrained from the use of the Common Law of his Realm, though the same concern Lay Persons: As when a Woman by Oath maketh release of her Joynture or Dower, the temporal Judge is compellable by the Ordinary his Excommunication to judge of the Oath, according to the Canon Law. *c. Licet & jure jurand.*

And where again an Ecclesiastical Judge hath determined any Cause according to the Canon Law, if the same Matter be brought before a Temporal Judge, he must allow the Judgment of the Spiritual Judge, that it be pleaded before him; *cap. ult. Extra de exceptionibus*.

But contrariwise, If a Clerk be first Condemned by a Temporal Judge, the Canon Law hath no regard thereof, nor receiveth any thing for proof that was done before him; *c. At si Clerici de judiciis*.

S E C T. 7

7. That under the general colour of their Authority, to maintain Ecclesiastical Liberties, some Wrongs offered to Church Men in their Lands and Possessions, which otherwise were to be tried by the Laws of the Land, are by them drawn to their Courts, as where Entries be made by Lay Men upon Church Lands.

Civil
Wrongs
made
Causes Ec-
clesiastical.

Simon Mepham Archbishop of Canterbury, in a Constitution by him and the Clergy published in the year 1332, hath decreed, that every one which invadeth the Possessions of an Ecclesiastical Person, shall be judged a Violator of Ecclesiastical Liberty, and for the same Excommunicate.

S E C T. 8.

8. Generally the Pope claimeth to be judge of his own Liberties, and suffereth no Man to examine or determine of them but himself. *c. Cum venissent extra de judicio.*

The Pope
sole Judge
of his own
Privileges

Whereas it is an old Maxime in all Laws, that *Nemo in propria causa potest esse Jdex*. That no Man can be judge in his own Cause (especially if Judge and Witness too) yea Pope Gregory the First, and a whole Council, denounced an *Anathema* against the Pope himself, or any other, that should presume to be a Judge in his own Cause; *Sive in rustico, sive in urbano pradio*: whence Bartholomew Baxiensis, Dr. John Thierry, and other Canonists, in their Glosses on Gratian, do resolve down-right that, *Papa in sua causa Jdex esse non debet*; That the Pope ought not to be Judge in his own Cause. Yet Alvarus Pelagius, affirms the contrary upon this strong Presumption and Supposition; *Quod non debet aliquam causa a se remittere, immo non potest (licet suspectus) quum dicitur est Papa. Papa enim aut sanctus est, aut sanctus presumitur: non enim presumendum est, quod alias facit Papa quam Christus vel Petrus, cujus est Vicarius & Successor*. That the Pope ought not to remit any Cause from himself: yea, he may not (although suspected) as long as he is Pope; for (saith he) either the Pope is Holy, or is presumed to be Holy: for it is not to be presumed that a Pope can do otherwise than Christ, whose Vicar he is, or Peter, whose Successor he is. But this is a Maxime frequently resolved in Law Books, by all the Judges of this Realm, *That none can be Judge in his own Case*; who have farther adjudged, *That no Man in Parliament make any Man Judge in his own Case*; the very same being void in Law, being against the Law of Nature, which is void, and all judgments given thereon are void.

Gratian
Caus. 16.
qu. 6.
Alvar. Pe-
lag. de
Placitu Ec-
cles. l. 1.
Artic. 34.
35.

S E C T. 9.

9. The Pope challengeth to himself Judgment of all Causes, and that they extend, and how they are to be taken, and given Order for

Princes cal-
led in que-
stion for
their Go-
vernment.

redress of the breach of them. Where therefore every Prince at his Coronation taketh an Oath for the good Government of his Realm, he is compelled to answer to his own Subjects at the Court of Rome to every Quarrel and Pretence of his Misgovernment, as Matters falling within the Popes Authority, to examine and reform the breach of Oaths. So did Pope *Honorius* the Third, in a Cause of a King of *Hungary*, as appeareth in the Popes Decretals. *c. Intellect. Extra de jure jurando.*

One of their Canonists of great Reputation, and a Cardinal, writeth thus: *Si a Proceribus aconstitur Princeps apud Pontificem, & non satisfaciat, vel a Papa se poni pote: vel a Proceribus voluntate Papa.* If a Prince be accused by his Nobles unto the Pope, and doth not give Satisfaction; either he may be laid aside by the Pope or by the Nobles, at the Popes pleasure. *c. Alium. 15. q. 6.*

S E C T. 10.

Assurance
betwixt the
King and
his Subj^{ts}
disturbed.

rp. He taketh upon him also to assai Men from keeping their Oaths, whereby do grow Disturbances, not only of Leagues betwixt one Prince and another, but also of that Assurance which a Prince hath of his own Subjects, and which sometimes the Subjects have of the Prince, in Composition of Quarrels that do happen between them. *Bellarmin*, in the Second Chapter of the Book against *Barkley*, saith, *Pontifex potest dispensare in votis & juramentis, quia Deus ipse jussit reddi, & quorum ullo est de jure divino.* The Pope can give Dispensations from Vows and Oaths, which God hath commanded to be fulfilled, and the keeping whereof is of Divine right. And you need not wonder at this, if you consider what he saith elsewhere. *If the Pope did err* (saith he) *commanding Vices and prohibiting Vertues, the Church should be obliged to believe, that Vices are good, and Vertues are evil, unless she should sin against Conscience.*

Bellarmin.
lib. 4. de
Pontifice
cap. 5.

In the year 882. *Marin*, or *Martin*, attained to the Papal Dignity, of whom *Platina* saith, that he came to the Popedom by ill ways. There was then one *Formosus* Bishop of *Porto*, who by the will of Pope *John IX.* had been obliged by Oath never to receive Episcopacy, though it were presented unto him: But that *Marin* delivered him from that Oath by a Dispensation, giving him leave to be forsworn with a good Conscience.

At that time the Counts of *Tusculum* had such a Power at *Rome*, that they made Popes such as they listed: *Marin* being dead, they promoted *Adrian* the Third to the Popedom, and after him *Stephen* the VII, to whom *Formosus* succeeded, who made no difficulty to receive the Popedom against his Oath. This *Formosus* had but a short

Reign,

Reign, he had *Boniface* the VII for his Successor, whom *Stephen* the VIII succeeded, who unburied the Body of *Formosus*; and having arrayed him with his Priestly Robes, put him in full Synod upon the Popes Seat. Then having cut off his Fingers wherewith he gave the Blessing, he caused him to be dragged and cast into the River *Tiber*, declaring him a Perjured Man, and an Unlawful Pope. That *Stephen* for his Tyrannies was taken by the Roman People and strangled in Prison.

To that *Stephen, Romanus* succeeded, and to him *John* the X; both which restored *Formosus* again to his good Name: For this *John* assembled a Council at *Ravenna*, where all the Acts of *Formosus* were made valid, and his Perjury approved. But *Sergius* that succeeded, abrogated all that, and again unburied the Body of *Formosus*, with a thousand Reproaches. It is a particular stain to that Age, that in it the Pope began to authorize Perjury, and to dispense from Oaths. See the 6th Question of the 15th Cause of the Decree, which is full of such Examples. But leaving this, let us return to the Matter in hand, how *Thomas Becket* was discharged of his Oath, it hath been shewn before; and the Examples be many, of Subjects that have sought and obtained like Liberty at the Popes hands, in matter of their Allegiance and Duty promised by Oath. King *John* had taken an Oath to observe the Laws of King *Henry* the First, of *Edward* the Confessor, and the great Charter of Liberties: but he violated this Oath, and was absolved from it soon after by the Pope. And we find that Pope *Urban* the Fourth absolved King *Henry* the Third from his Oath made to his Subjects, for the observation of certain Articles, called, *The Provisions of Oxford*, whereto he had condescended, after long trouble, for the peace and quiet of his People. Pope *Clement* the V also did the like to King *Edward* the First, touching his Oath which he had made to the Barons of this Realm: *Thomas Walsingham* f. 61.

Mat. Paris.
fol. 1322.

S E C T. II.

II. The Pope taketh upon him Authority to Examine Princes Titles, and the Causes of their Wars, and to compound their Controversies at his pleasure, compelling them to abide his Order upon pain of Excommunication, Interdiction, &c. A matter very dangerous, considering the Corruption of Justice in that See (whereof there be so many Examples in Histories, as would fill a large Treatise) and that the Pope can hardly be indifferent, his Affairs and State being such as they are for the most part linked with the one part or the other. *The claim of this Authority appeareth in c. Tram. Extra de ordine Cognition.*

Princes
Wars examined by
the Pope;
c. Sicut extra in
rejurando.

David.

David, Prince of *North Wales*, having Wars with King *Henry III* committed himself, his People, and his Land, into the hands of the Pope, promising to hold his Right of him, and to pay Five hundred Marks by the year. Several Charters were made to the King by the Prince and Nobles of *North Wales*, ratified by their Oaths and voluntary Submissions to Ecclesiastical Censures of Excommunication and Interdict, by the Bishops therein nominated, in case of Violation. And the manner of his Oath is set down by *Matth. Paris*. *Et ad omnia firmiter tenenda; Ego David juravi super crucem sanctam, quam coram me feci deportari. And firmly to hold all these things, I David have sworn upon the Holy Cross, which I have caused to be carried before me.* And the Reverend Father *Howel*, Bishop of *St. Asaph*, at my request (saith *David*) hath firmly promised in his Order that he will do all these things aforesaid, and procure them to be observed by all the means that he can. And *Ednevet Wagan* at my Command sware the same thing upon the Cross aforesaid.

Matth. Paris p. 605, 607.
M. Westm. p. 130, 181, 182.

But the Pope layeth hold of the Cause, the Controversie being committed by him unto two of his Clergy. The King was called before them to answer *David's* complaint; which, the King seeing how small likelihood there was of Indifferency, refused to do.

Matth. Paris fol. 830, 881.

King *Edward* the First having war with *Scotland*, and being far entered into the Land, was by Commandement of the Pope enjoined to leave off his wars against that Realm, upon pretence that *Scotland* and the people thereof, were by his special exemption discharged from all Authority of other Princes, and appertained to his See. *Thomas Walsingham* addeth, That the King refusing thus to be ordered, was moved thereto again by the Pope, and commanded to receive Order by way of Justice in his Court. The King having received Pope *Boniface's* Letters, assembleth a Parliament at *Lincoln*, by whose advice he addresseth Letters Responsal to the Pope. And the Lords Temporal, in the name of the whole Parliament, answered the Pope, *That the King of England ought by no means to answer in judgement in any Case, nor should bring his Rights into doubt, nor ought to send any Proctors or Messengers to the Pope, &c. And that they will not suffer their Lord the King to do, or by any means to attempt the premises, being so unaccustomed, and not heard of before. Dated at Lincoln in the year 1301, in the 28th year of the Reign of King Edward the First.*

Walsingham, fol. 41.

But the same King in time of war with the French King, was required on the behalf of Pope *Boniface VIII* by his Legat, to put their whole quarrel to be by way of Arbitrament decided by the Pope: And further, he was enjoined upon pain of Excommunication to take truce

with the French King for two years; whereto he gave place: saith
Thomas Walsingham.

SECT. 12.

12. Another Grievance was, The departure of Prelats and other of the Clergy forth of the Realm, and leaving the service thereof against the Kings will: Of which sort some voluntarily have gone upon course of devotion, as *Anselm* Archbishop of *Canterbury* in the time of King *William Rufus*, notwithstanding that he was expressly forbidden by the King, and told, that if he went, he should no more return into his Realm, departed from hence, pretending that he went, *Ad Visitandum Limina Apostolorum*, To visit the Thresholds of the Apostles. It may be he pretended his Oath, for at that time Bishops used to bind themselves by Oath, that once every year they should visit the See of *Rome*, except they be otherwise dispensed withal; which Oath by the Canon Law is now taken by every Popish Bishop: *Ego N Episcopus N. ab hac hora in antea fidelis & obediens ero beato Petro, sanctaeque Apostolica Romana Ecclesia, ac Domino nostro S. P. suisque Successoribus canonice intrantibus. Non ero in consilio, aut consensu, vel facto, ut vitam perdant, aut membrum, seu capiantur mala captione, &c.*

Others again have been called forth of the Realm to the Pope's service, as *Peter* Bishop of *Winchester*, in the time of King *Henry* the Third, was called to *Rome* by the Pope, pretending that he would employ him in compounding certain differences, which were betwixt him and the Inhabitants of *Rome*, and betwixt him and the *Grecians*. But truly (as *Matthew Paris* noteth) the Pope knew him to be a very rich Bishop, and therefore sent for him to *Rome*, to assist him, not only with his Advice in his Military Affairs, but also with his Purse against the *Romans* and *Grecians*: And the Pope having made as much of him as he could for those ends, importuned the King for his return into *England*; which the King assenting to, wrote thus to the Pope and Bishop:

Dom. no Papa Rex, &c. significavit nobis sanctitas vestra per venerabilem Patrem A. Coutrensem & Litchfeldensem Episcopum, & dilectum & fidelium nostrum P. Saracenum Civem Romanum, quod gratum haberetis & acceptum, si venerabilis Pater P. Wintoniensis Episcopus, cum gratia nostra reverti posset in Angliam, & sicut ad ejus spectat officium curam securus genere pastorem, & super hoc ex parte sinceritatis vestrae nos rogaverunt. Ad quid Sancta Paternitati vestra duximus respondendum. Quod cum idem Episcopus Regnum nostrum ultimo exiit gratis, & motu ductus proprio, potius quam nostram, vel alterius compulsionem: Et etiam si bene recolitis, ad preces vestras, nobis specialiter inde directas, eodem adiit Apostolicam. Unde si in moratus Episcopus voluntatem habuerit re-

Subjects departure out of the Realm against the Kings will.

Matth. Paris fol. 29.

Matth. Paris fol. 549.

Claus. 19 H. 3. Part. 2. memb. 2. intus.

vertendi

vertend; & in Regno nostro commorandi, bene placet nobis ipsum adventum. Nec erit qui ipsum super hoc aliquatenus impediat, aut cum redierit tranquillitatem ipsius perturbet, licet etiam graviter versus ipsum moveremur, ad Instantiam vestram conceptum rancorem, siquis esset, penitus et remitteremus, parati et expositi, tanquam filius Sanctæ Romanæ Ecclesiæ devotissimus, in hiis & aliis vestris inherere Conciliis, & voluntatis vestræ pro viribus nostris bene placitum ad implere. Teste Rege 40. die Martii Anno &c. XIX. The King wrote after the like manner unto the Bishop: Others, and those very often, were called to *Rome*, to answer Complaints, or Private Mens Suits, by which occasion the King lost the use of their Service, and a great part of the Wealth and Substance of this Realm was spent in the Court of *Rome*.

S E C T. 13.

Investiture
into
Bishop-
ricks, and
the Kings
assent in
choice of
Bishops,
taken
from him.

13. It is well known that the King hath special Interest in the Choice and Investitures of Prelates unto Bishopricks; both because a great part of the good Government of his People dependeth upon the good Government of that State, and also because in those times he furnished himself with Counsellours taken out of the Number, and employed others in places of weighty and most necessary Services of the Realm.

Wherefore the Kings of *England* were ever by the Ancient Customs and Laws of the Land, allowed their Assent and Directions in all Elections of Persons unto those places.

This right hath been strangely oppugned by divers Popes, some of them disturbing Elections made by the Consent of the King; and others bestowing Bishopricks at Pleasure, without Election at all, and against the Kings will.

The first that stirred that Quarrel in *England*, was *Anselm* Archbishop of *Canterbury*: For when the Kings of *England*, needy of Monies, borrowed of the Clergy great Loans, never to pay again, he to exempt himself from Subjection to the King, laboured to make his Archbishoprick to depend meerly on the Pope, not on the King, although he had acquired it by the Concession and free Gift of the King.

Anselm then being promoted in the year 1092 to the Archbishoprick by King *William Rufus*, the King having frankly bestowed that rich Bishoprick upon him, soon after would extort from him a great Sum of Money for the exigence of his Affairs, as claiming some recompence for his Gift. *Anselm* refused to give it, and stealing away privately out of *England*, went to Pope *Urban* the second, who at that time was Violently Prosecuting against the Emperour *Henry IV*, the

Quarler

Quarrel of Investiture, begun by his Predecessours *Gregory VII.*

This *Urban* liking the Prudence and Dexterity of *Anselm*, gave ear to his Council, and gave him the Archbishop's Pall, thereby voiding the Investiture which he had received from King *William*, and obliging him there-after to depend upon him. This *Anselm* did, so behaving himself ever after, as holding his Archbishoprick by the Popes Ordination, not by the King's Concession.

The King being herewith incensed, Prohibited *Anselm* to enter into his Kingdom, confiscated the Lands and Estate of the Archbishoprick, and by an express Edict declared, That the Bishops held their Places and Estates merely from him, and were not subject unto the Pope for the same: And that he had the same rights in his Kingdom, as the Emperour had in the Empire. At length it was determined, that all the Abbots and Bishops of *England* should be called together to judge of this Controversie. They met at *Rockingham-Castle*, and the Matter being proposed by the King, for fear or flattery (saith Bishop *Godwin*) they all assented unto him, and forsook their Archbishoprick. All the Bishops of *England* subscribed, except only *Gundulphus* Bishop of *Rocheſter*.

By the Intervention of Friends *Anselm* made his Peace, but after his return from *Rome*, holding a strict league with the Pope, he began again soon after to dissuade the Clergy from receiving Investitures from the King: wherefore he was constrained to fly the second time out of the Kingdom, and his Estate was again seized upon and confiscated, to which he was restored at his return.

He came then to Pope *Urban*, who received him honourably, as a Confessor, suffering for the Cause of Christ. The year after, *Urban* kept a Council at *Clermont* in *Auvergne*, whereby he granted full Pardon of Sins to all that should contribute to the expedition into the *Holy Land*, &c. In the same Council he decreed, that thence-forth it should not be lawful for any Prelate, or Ecclesiastical Man, to receive the Investiture, or Collation of a Benefice, or Church-dignity, from the hand of any Lay Person. But the Princes derided these Decrees, and retained the Possession of these Investitures.

In the year 1099 King *William* and Pope *Urban* died. *Henry* the First, succeeded *William*, who sought to be reconciled with *Anselm*, and called him home again. But *Anselm* being obliged by an Oath to the Pope, prevailed with the King, that a Council should be gathered at *London*, where he declared the Order he had from the Pope, That no Lay Man should have the Power to confer any Investiture,

and began to degrade the Bishops promoted by the Kings Nomination, refusing to consecrate some Bishops named by the King. King *Henry* being highly displeased, banished him out of *England* presently, and confiscated his Goods.

Whilst these things passed in *England*, Pope *Paschal* prosecuted the Quarrel of his Predecessors against the Emperor *Henry IV.* He caused the Emperors own Son to rebel against his Father, who soon after dying with Grief, was so forsaken, that Pope *Paschal* would not suffer him to be buried, for his Carcass lay five years at *Spire*, rotting without any Christian Burial.

The new Emperor *Henry V.* past presently into *Italy* after the Death of his Father, where the Pope hoping to be recompensed for helping him in his Conspiracy against his Father, found himself deceived: for when he press'd him to renounce the Rights of Investitures, which his Ancestors (as *Sigebert* saith) had enjoyed above three hundred years, the Emperor grew very Angry, and laying hold of this Pope *Paschal*, committed him to close Prison. Neither would he release him, till he had renounced his claim to the Investitures and Collations of Benefices, saying to him in scorn that which *Jacob* said to the Angel wrestling with him, *I will not let thee go before thou hast given me thy Blessing.*

Then *Paschal*, to redeem himself out of Captivity, granted to *Henry*, that both he and the Popes after him, should leave unto the Emperors the peaceable enjoying of the Investitures of Ecclesiastical Dignities, by the Ring and the Staff. Also that none should be Consecrated Bishop without an Investiture from the Emperor. The Pope and the Emperor reciprocally bound themselves by Oath upon the Host of the Mass, which they received together. But because that Oath was extorted, the Pope thought not himself obliged to keep it. So he brake that Agreement, and excommunicated *Henry* and all Princes usurping Investitures.

This accident confirmed *Henry* the First, King of *England*, in a resolution to retain the Investitures of his Kingdom. And that Order was held in *England* for a long time. Only the Popes, that they might not be injurious to their pretences by a long Prescription, would send the Pall to some Prelats invested by the King, confirming that which they could not alter, and giving an Approbation which was not sought from them.

And further, as to Elections of Bishops, the great Troubles that were in the Reign of King *John*, grew upon no other occasion, than because the King refused *Stephen Langton*, whom the Pope would

(627)
would have thrust into the See of *Canterbury*, notwithstanding that there had passed a former Election of another with the Kings assent; and that the King justly alledged, he might not trust *Langton* in his Realm, because he had a long time been on the part of his Enemies. The King menaced the Pope and his Creatures, seized the Temporalities of the Archbishop, banished him, his Parents and Kindred, with the Monks of *Canterbury* as Traitors.

By his and the Prelats Treachery confederating with him, the Kingdom was interdicted, the King excommunicated, his Subjects absolved from their Allegiance; he and his deprived of the Crown, given to the French King; enforced to resign his Kingdom to the Pope, become his sworn Tributary, Vassal and Homager, to renounce the ancient Rights of his Crown, to receive *Stephen* and his Confederats to favour, to restore them to their Bishopricks, with the Profits and Damages sustained by their Exile; before the King could be absolved: The King is forced to humble himself before him, and swear to him, before he would absolve him. He instigates the Nobles against the King, threatens to excommunicate him, and revive the interdicts if he proceeded by Arms against them. He was very severe against the Clergy-men, who adhered faithfully to King *John*. He excites the Barons to take up Arms against the King for their Liberties, extorts the Great Charter from him, with new additional Clauses; wresteth a new Charter for the Election of Bishops and Abbots from him, and of the Patronage and Royalties of the Bishoprick of *Rocheſter*; as absolutely as the King enjoyed them.

To requite which, he surrendered the Castle and Ammunition of *Rocheſter* to the Barons. He refuseth to execute the Popes Excommunication, though oft pressed to it by the Legat and others. He is accused, and suspended in the Council at *Rome*, for confederating with the Barons against the King. A just retaliation! At length his Suspension is taken off, but he not to return into *England* till Peace made betwixt the King and his Barons.

Ralph N. v. l. Bishop of *Chicheſter*, and Chancellour of *England*, being chosen Archbishop by the Monks of *Canterbury*, was approved by the King, and put in Possession of the Temporalities by and by. The Monks of *Canterbury* thereupon pressing the Pope to confirm his Election, *Anno 1231*, the Pope made diligent enquiry of *Simon Langton* (Brother to *Stephen* elected, but rejected by King *John*, and the Pope too at his request, to be Archbishop of *York*) concerning *Ralphs* Person and Disposition. *Simon* told the Pope, that

he was an hot Fellow, Stout, Subtle, an old Courtier, and very gracious with the King, and therefore that he would make variance betwixt him and the King, and cause him to deny the payment of that Tribute granted unto him by King John. This was enough; so without any more ado he dissolved the Election, never alledging any matter of Exception against him, but willed the Monks to chuse another.

Then the Monks chose one John their Sub-prior. He being called to Rome, and first charged with insufficiency, but sufficiently cleared thereof by the testimony of certain Cardinals, to whose Examination he was referred; he was yet in the end compelled to give over his right to that See. And after some other, several Elections of Archbishops to that See, made with the Kings Allowance, they were all one after another declared void by the Pope.

Mat. Paris
fol. 502,
& 515.

In the Reign of King Edward the Second, Anno 1313, after the Death of Robert Winchelsey, Archbishop of Canterbury, the Monks of Canterbury elected for his Successour, one Thomas Cobham, Dean of Salisbury and Prebend of York, a Man of such Vertue and Learning, that he was commonly called by the Name of the Good Clerk; but the Pope bestowed that place upon Walter Reynolds.

S E C T. 14.

Patronages
disturbed
and Benefices
bestowed upon
Aliens.

14. In other Promotions and Ecclesiastical Livings, the Popes usurped a larger liberty of bestowing them at their will upon such as they made choice of, or upon themselves, without regard of any Mans right to present, or whether the Persons upon whom those Livings were bestowed, were the Natural Subjects of the Realm or not.

Whereupon ensued many Mischiefs, one was, that a great part of the Wealth of this Realm, was bestowed and spent in Forreign Parts. Another, that many Aliens flocking into the Realm, to occupy these Promotions; their presence here was dangerous to the State, and the King unfurnished of fit Persons being his Liege-Subjects, to imploy in necessary and secret Services of this Realm. Thirdly, That the Natural Subject was discouraged, and sought not to make himself fit for any place of Service, by diligence in Study, seeing that the Rewards of Learning were carried away by Strangers. Of these are many Examples in our Histories, and the wrong complained of from time to time.

In the Reign of King Henry the Third, Pope Gregory (before his Death) to carry on his Wars and Designs against the Emperour Frederick, and throw him out of the Empire, Anno 1240, intended by way of Provision, to confer all the Benefices in England, (especially

(espe
Roma
vul.
vul.
void
tion
Part
bish
to in
benc
of c
stoo
P
to t
valu
Con
year
T
sure
one
Mar
he v
man
who
Ren
Gift
fufe
sum
Pop
for
und
to
Cov
to h
ver
por
unt
ear
No
uf
ny

(especially of the Clergy and Religious Persons), on the Sons of *Romans*, and other Forreigners, sending his Bulls to three Bishops, viz. to *Edmond Archbishop of York*, the Bishops of *Lincoln* and *Salisbury*, to confer no less than 300 of the next Benefices, that fell void within their Diocesses on these Aliens. A dangerous Usurpation on the Kings Prerogative, the Churches Priviledges, and the Patrons Rights! The next year the King issued Writs to the Archbishops and Bishops of sundry Diocesses (by way of Opposition,) to inquire how many Aliens were promoted to Benefices or Prebendaries, with their Values and Names. In that injurious course of conferring Benefices upon *Italians*, the Archbishop of *York* withstood the Pope, and was constrained to leave the Realm.

Pope *Gregory* fore-mentioned, in the same Kings Reign, wrote to the Abbot of *Eury*, to bestow upon him a Benefice of the yearly value of One hundred Marks; but so, as they [the Abbot and his Convent] should farm the Benefice at his hands, and pay him yearly 200 marks rent.

Mat. Paris
fol. 735.

The same Author writeth of another Benefice, and of the Treasurership of *Surum*, bestowed upon *Innocent* his little Nephew, by one *Marin*, at that time the Popes Legat in this Realm. This Man was sent into *England* by Pope *Innocent IV.* to extort Moneys; he was armed with Bulls to excommunicate, to suspend, and by manifold ways to punish all, as well Bishops, Abbots, as others, who opposed his Rapines and Extortions, Provisions of Benefices, Rents to the use of the Popes Clerks and Kinsmen. He extorted Gifts, Garments, Palfreys from them, suspending those who refused, though upon reasonable Excuses, till satisfaction. He twice summoned the English Bishops and Clergy for a Contribution to the Pope, and their Mother the Church of *Rome*, against the Emperor. The King sent a Prohibition to them not to give him any aid, under pain of forfeiting their Baronies. He suspended all to present to Benefices, of ten Marks value or upward, till his and the Popes Covetousness was satisfied. The King sent memorable Prohibitions to him against his intollerable Provisions and Rapines, who persevereth therein with a stony heart, notwithstanding. The Cinqueports were guarded to interrupt the Popes Bulls and Provisions sent unto him; His Messenger was imprisoned in *Dover-castle*, but released upon his Complaint to the King. The King by advice of his Nobles, sent Prohibitions to all the Bishops in *England*, and Chief Justice in *Ireland*, not to suffer him or any other Nuncio, to collect any Moneys for the Pope, or confer any Benefices without his Privy

Ibid fol.
815.

Mat. Paris
p. 640.

vity or Consent. The Nobles sent a Message to him in behalf of the whole Kingdom, to depart the Realm within three days, else they would hew him and all his in pieces. And when he demanded the Kings Protection against the fury of the Nobles, the King wished the Devil to take him; whereupon he departed the Realm in a terrible Pannick fear.

Idem fol.
1002.

The Abbot of *Abingdon* refusing to bestow upon a Roman the Benefice of *St. Htlens* in *Abingdon*, which was esteemed at the value of an hundred Marks, and belonged to the Monastery of *Abingdon*, because the King had demanded it for his Brother, was cited to appear personally at *Rome*, and could not obtain his Release, until he had assured to the Pope a yearly Annuity of Fifty Marks to be paid out of his Monastery.

Tho. Wal.
singham
fol. 90.

Pope *John XXII* bestowed the Bishoprick of *Winchester* upon his Chaplain *Rigandus*, in the time of King *Edward* the Second, having before made reservation thereof, and giving special charge, that no Election should take place, though approved by the King.

We find in the Canon Law, that in the time of King *Richard* the First (though from the Records of the *Tower*, we understand in the Reign of King *John*) that Pope *Innocent* contriving how to usher in his Provisions into *England*, by degrees without any observation, employed the Archbishop of *Ragusa* (whom he discharged from that Church, because he could not live quietly there) to move King *John* to bestow a Bishoprick and other Benefices, upon him in *England*, to relieve his Necessities, and support his Dignity; whereupon the King out of his Royal Bounty, bestowed the Bishoprick of *Carlisle*, the Archbishop of *York*, and the Church of *Melbourn*, upon him.

Of these Wrongs the People of this Land made often Complaints, but could find no Redress. The Usurpations of the Popes Legats and Agents, by Exactions, Provisions, Disposing Churches to Aliens; and other Innovations, became so intollerably Oppressive to all sorts of People in *England*, that by several Letters of Complaint dispersed against them, in the year 1231, 1232, there was stirred up a general Commotion and Opposition against them throughout *England*: for finding that most of the Ecclesiastical Livings of this Realm to be in the hands of Strangers, they were offended, that they set fire on their Barns in all parts of the Realm. The Pope on the other side stormeth with the King, and commandeth the Bishops of the Realm to excommunicate the Authors of the injury, and withal to send them personally to *Rome*, to receive the

their Absolution at his hand. *Speed* in his *History* relateth, that it was alledged by these Reformers, that they had under-hand the Kings Letters Patents, the Lord Chief Justices Assent, the Countenance of the Bishop of London, and the Sheriffs aid in divers Shires; whereby the Armed Troops took heart every where violently to seize on the Romans Corn and their other Wealth; which Booties they imployed to good purposes, and for relief of the poor; the Romans the mean while hiding their Heads for fear of losing them.

In the time of King Edward the Third, Pope Clement granted to two Cardinals at one time, Provisions of so many Spiritual Livings, as would amount to the yearly value of Two thousand Marks. Hereof the King complained to the Pope, alledging that the Rights of Patronages were disturbed, the Treasure of his Realm spent upon Aliens in Foreign parts; and that the Students his Subjects were thereby discouraged. Which Reasons are delivered in a Statute by him made, for restraint of Provisions from Rome.

S E C T. 15.

15. The Pope claimeth to have one proper Authority, which he calleth *Plenitudo Potestatis in Beneficialibus*; and is an infinite and unbridled Licence to do in Matters of Church-livings what himself liketh: By force whereof he taketh from any Prelate, or Beneficed-man, his Bishoprick or Benefice, at his pleasure, without yielding any Cause or Reason thereof.

He hath used to bestow Bishopricks of this Realm at his pleasure; and when any of the Bishops died, then the Pope claimed a Priviledge to have the Gift of them, as *Decedentes in Curia Romana*, and so kept them many years as *Decedentes in Curia*; for they never came into England to die here, as *Salisbury* and *Worcester*, which were claimed by that Title in Queen *Maries* time.

Again, the Pope might dissolve Ecclesiastical Dignities and Benefices at will, and turn them into what shape it best liked him.

Moreover, he might unite, appropriate, divide such Livings, and do many strange things else about them, no cause appearing to any man, but his own will.

The Popes Legates also procured of the Kings of England, Stipends and Provisions of good value, out of Ecclesiastical Benefices, and other Dignities. *Rustand* the Popes Legate, being in Favour with King Henry the Third, procured from him (besides the Livings he obtained by the Popes Provisions) a Grant of Provisions out of the Ecclesiastical Benefices, Dignities, and Prebendaries, which should first happen in his own Gift, amounting to 300 Marks by the year,

Speeds
Chronie. in
the Reign
of King
Henry III.

Roger de
Wend.
M. S.

Tho. Wal-
singham
Hist. in
Edw. III.

Plenitudo
Potestatis
in Benefi-
cialibus.

to be preferred before all others formerly granted by him, only excepted.

S E C T. 16. Souldiers have been Mustered and sent to Foreign Wars out of the Realm upon the Popes Commandment, which Case hapned in the time of King Richard the Second, the Pope gathering with in this Realm a Band of Souldiers for the Wars of the Holy Land, and appointing them for their Captain the Bishop of Norwich: The Realm generally disliked that their Souldiers should be committed to the Guidance of an Ecclesiastical Person, unacquainted with the Wars, and therefore resisted for awhile, but at length suddenly yielded upon a superstitious Conceit taken in their Heads.

The *Crosada* for the Relief of the Holy Land, was a Papal Chace for Popes and others to pick simple Christians Parties for Popes Designs, to maintain Wars against Christian Emperors and Princes, the Greek Church, and the *Albigenses* deserting and opposing Papal Usurpations and Corruptions, to intrial, depose, and murder them. So great was Pope Innocent's Animosity against the Emperor Frederick, that when Forces of the *Crosada* came out of France or England, or other parts, to sail into Syria to defend Jerusalem, and the Holy Sepulchre against the Saracens, he stopp'd them, and gave them the same Graces and Indulgences, as if they had performed the Journey into the Holy Land, upon Condition that they should turn their Armes against Frederick, whose Power lay upon him, because he stiffly maintained the Rights of the Empire.

The Pope proceeded so far, as to give the Empire to Robert Brother of Lewis IX. King of France, upon condition that he should conquer it. But Robert sent his Present back to the Pope, both because he sent him no Money to furnish him for that Conquest, and because he found it very strange, that the Pope would give that which was none of his. Also because he shewed himself an Enemy to a great and vertuous Prince, who had done and suffered so much, bravely fighting for the Cause of the Christians against the Infidels. Then he added, That the Popes are lavish of the Blood of others, and that their end is to tread all the Princes of the world under their feet, and to put on the Horns of Pride.

Mean while persecution grew sore against those whom they called *Waldenses* and *Albigenses*, against whom the Pope caused the *Crosada* to be preached, and an infinite number of them to be massacred.

Pope Gregory IX. (who compiled the *Decretals*) needing Money

for his War against the Emperor *Frederick*, sent a Legat into *England*, named *Stephen*, who exacted a tenth part of all their moveable Goods (that is) of all their Flocks, Rents, Fruits, Wares, Offerings, and Gifts to the Church. And the said Legat had power to Excommunicate all that should refuse to pay, and to put the Churches in Interdict. He enjoined the Prelates upon pain of Excommunication, to make that Collection speedily, and without delay. All that should cross that Holy Work, he Excommunicated *ipso facto*. He would be paid in new Coin, and of good Weight. He took the Tithe, even of the Corn in the first Blade, that is, of the Crop of the year after.

In these Exactions he was so urgent and griping, that the Parishes were forced to engage the Chalice and Church-Plate to satisfy his Covetousness. And he had certain Usurers with him, who lent Money upon double use, to those who had no ready Money. This caused a great Clamour and Lamentation over all the Countrey, but without effect. The Money was employed by the Pope in invading many Towns belonging to the Emperor in *Italy*. And the Emperor could not defend them, because he was engaged against the *Saracens* in the *Levant*, where he took *Jerusalem*, and put the Affairs of the Christians in a flourishing Estate. And it is probable, that he had utterly destroyed the *Saracens*, if the Injuries which he received from the Pope had not re-called him. For the Emperor making a League for ten years with the *Saracens*, and returning unexpectedly from the *Holy Land*, interrupted the Popes proceedings, and soon recovered all his Castles; so that the Pope was forced by meditation of Friends, to stoop to the Emperor, and make his Peace with him beyond all Expectation.

Scarce was the Collection ended made by *Stephen* the Legate, when Pope *Gregory* inventing Extortions grounded upon fair Reasons, sent *Nuncios* with power of Legats, who by Sermons, Exhortations, and Excommunications, brought an infinite number of English Men to Mendicity, and turned them out of their Houses. This was done under a pretence of contributing to the expence of the Holy War, of which himself hindered the success; and yet he promised to them that should contribute Money for it, the remission of all their sins, and to them that should go in Person, an Augmentation of Glory; yet the Pope never gave any part of the Money raised for that expedition, to any Prince that paid Armies, and fought for that Quarrel. All was thrown into the Popes Coffers, as into a Gulph, and by him employed to make War against *Frederick*,

Mat. Paris
p. 351, 352.
Matth
Westm. p.
128, 129.

for he presently broke the Covenant sworn unto him.

The Treas-
ure of the
Realm
spent in
the Popes
Wars.

Mat. Paris
fol. 703,
704.

Moreover, Wars made by the Pope, were oftentimes supported at the Charges of Forreign Countreys, the Pope bearing them in hand, that they were *the Wars of the Church*, and therefore did in common concern every of their States and Interests; under which colour large Contributions have been drawn out of this Realm.

In the year 1240, the Pope forced all Aliens within this Realm, to contribute to the Wars against *Frederick*, the fifth part of the Revenues of their Spiritual Livings; and in the same year took another fifth part of all Bishopricks to the same use.

The Pope ceased not thus, but immediately commanded new Collections to be made, still pretending his Wars with the Emperor; against which Commandment the Clergy made divers Exceptions, which are at large set down by *Matth. Paris*, fol. 714. and 75.

Idem 1219.

In the year 1255, *Alexander IV.* sent a Legate into the Realm, who exacted the tenth part of all the Goods and Chatels in *England, Scotland, and Ireland*, pretending the Church-wars against *Manfred*, who had invaded the Kingdom of *Naples*, which the Pope claimed to appertain to his See.

S E C T. 17.

Sometimes again great sums were levied, no other cause being known but the Popes pleasure.

Levies of
Moneys to
the Popes
use without
cause.

In the year 1245, the Pope demanded of all Clerks that were Non-resident, half their Revenues, and of those that were resident a third part.

Matthew Paris writeth, that in the year 1257, the Popes Proctors sent with his Bulls into this Realm, extorted of Clerks and Religious Persons, great sums of Money; and if any found themselves Grieved, and offered to appeal, they were forthwith by one Commission or other Excommunicated.

Mat. Paris
fol. 1002.

In the year 1248, he exacted of the Monastery of *St. Edmundsbury* (the place of the Abbot being void) 1000 Marks, and would not confirm the Election of the new Abbot until the Monks had promised to pay 800 Marks.

In the Reign of King *Edward the Second*, Pope *John XXII.* reserved to his See the First-fruits of all vacant Benefices for the space of three years.

At that time also certain Usurers set up in *England*, called *Causins*, who by Usuries and strange Arts devised in *Italy*, did eat up the poor People and the Clergy. The King himself was much indebted to them. The Bishop of *London* would have repressed them, but because

because they were maintained by the Pope, he was not able to effect it.

The *Franciscans* and *Dominicans* preached up the Popes Power; and drew all the Confessions to themselves, and every day obtained Privileges to the prejudice of the Parochial Priests, who became almost useless. The State of *England* was deplorable, for hungry *Italians* of the baser sort, with Bulls and Warrants from the Pope, came daily to fleece the People, and to raise such sums of Money, as they would demand upon the Clergy. If any denied what they demanded, he was presently Excommunicated. And they that held the great Benefices were Strangers, who were but the Popes Farmers.

This caused *Matthew Paris*, that lived then, and beheld these things, to lament, *That the Daughter of Sion was become like a shameless Harlot that could not blush, by the just Judgment (saith he) of him that made an Hypocrite to reign, and a Tyrant to domineer.*

Sometimes the Pope made his advantage by Grants made to other Bishops to spoil the Realm; as to the Bishop of *Rocheſter*, whose Name was *Laurentius de Sancto Martino*, a Chaplain and Counsellour of King *Henry* the Third. This Man got a Dispensation from the Pope to hold all his former Livings in *Commendam* with this Bishoprick. And yet alledging that his Bishoprick was the poorest of *England*, and therefore his Living yet unable to maintain the Port of a Bishop, he never ceased till he had extorted from the Clergy of his Diocese a Grant of a fifth part of all their Spiritual Livings for five years; and appropriated unto his See for ever the *Passonage of Friends-bury*.

The Pope at the same time granted a Bull to the Archbishop of *Canterbury* to collect the Fruits of all vacant Benefices within his Province for one year. Mat. Paris
fol. 1000.

§ E C T. 18.

The way that yielded to the Pope his greatest Harvest, was by Legats sent into this Realm, for they coming under a plausible title of care to reform things that were amiss within the Realm; and the presence of a Legate having an Authority little inferior to the Pope himself, being terrible to the Subject, they had opportunity not only to gather to their Masters whatsoever they liked to demand, but also provided intollerably for themselves; and some of them with such insolence, as it is strange that any Prince could ever suffer them in his Realm.

I shall here speak something of the Original of these Legats, and shew how by degrees the Legats were brought in Authority

The Popes
Legats.

nity amongst the Nations, and how they did enlarge the Popes *Phylasteries*.

At first because *Rome* was the chief City of the Empire, from thence (as from a Seminary) were preachers sent to sundry Nations, to preach and plant the Gospel, or to confute Heresies, afterwards to provide vacant Benefices, and to supply the absence of the Roman Bishop in *Synods*; in all which they did no other thing but as other Bishops might have done, and also did.

But when the Bishops of *Rome* were made Patriarchs, and became ambitious, these Legats did the same Offices at some times: but therewith they began craftily to injoyne unto Archbishops and Metropolitans, to execute some things which they were commanded by the Word of God to do; and they would give them power within their own Diocesses, as if Bishops had been Vicars of the Roman Patriarchs, or his Legat.

Petrie's
Church
History
p. 272.

These Primats did gladly imbrace the shew of Honour, that for reverence of the Roman Church they might be the more respected in their own Jurisdiction, and sometimes the more easily advance themselves above their Competitors.

Sometimes the Popes sent Legats into other Diocesses, with such modesty that they had Authority to attempt nothing without concurrence of the Bishops, or Synod of that Countrey.

Albeit these Legations were partly good and just, and at the worst were rollerable, yet they were not *potestativa*, or imperious, but *charitativa*, or exhortatory: nevertheless the Popes brought the Churches and Bishops into subjection by such means; for afterwards they were sent only for ambitious Usurpation, Covetousness, and Worldly Affairs.

The ordinary Legats at *Pisa*, *Romandiola*, *Bononia*, *Ferrara*, *Avignon* (and if there be any other such) are Provincial Deputies, *Prætores*, or Vice-Roys.

The Nuncio's at the Court of the Emperor, or of any King, Prince, or State, are Ambassadors, or Spies for Secular Affairs: The Affairs of any Church that are gainful, if they be of less account, are reserved unto the Judgment of the Nuncio; yet not definitively, but to be determined at *Rome*. And things of greater importance are wholly reserved for the Court of *Rome*.

The Ancient Bishops of *Rome* did severely injoyne their Legats to acknowledge duly the inferior Bishops within their own Jurisdiction, but now they pass by the Metropolitans, and draw all Actions unto themselves and the Court of *Rome*. Likewise their Ambition

and

and Avarice have so provoked some Nations, that they will scarce admit any Legat, as *Sicily* and *France* have intrinched their Office. These particulars are more largely written by *Antonius de Dominis*, Archbishop of *Spalato de Republ. Ecclesiast. lib. 4. cap. 12.*

Of these some had the Titles and Ensigns, others the power of Legats (or more) without the Title or Badges. Some were sent successively into *England, Wales, Ireland, France*, and elsewhere, to publish Popes Excommunications, Interdicts, Bulls, Croisados, Disms, Suspensions, Citations, Mandats, &c. to and against Emperors, Kings, Princes, Bishops, Abbots, Priors, and all sorts of Persons; to exact, collect Moneys, Pillage Sacred Churches, Monasteries, Mansions founded by our devout simple Ancestors, for relief of the poor, of Strangers, and Sustainment of Religious Persons, &c.

It was an Ancient Priviledge of the Kings of *England* and *Scotland*, that no Legat à latere, should come into any of their Dominions by the Popes Mission, unless at the Kings special instant request to the Pope, who eluded this priviledge by sending Nuncio's, Chaplains, Clerks, Friars, Minors, or Pradicans, sometimes into their Realm, with the full power, not Titles or Ensigns of Legats.

Some Irish Bishops without the Kings Privity, endeavouring to procure a Legat to be sent into *Ireland*, the King upon notice thereof by his Chief Justice and others, writes to the Pope to send no Legat thither against his will.

Pope *Gregory* the Ninth, his Legat was imprisoned for stirring up Sedition in *Lombardy* against the Emperor. Three Legats, with sundry Archbishops and Bishops, were taken by the Emperors Galleys, going to a Council upon the Summons of Pope *Gregory IX.*

Guale, a Presbiter Cardinal of *St. Martin*, crowned King *Henry III.*, causing him to do homage to the Church of *Rome*, and Pope *Innocent* for *England* and *Ireland*, and to swear faithfully to pay the Annual Rent for them, which his Father King *John* had granted so long as he enjoyed those Realms. He deprived *Simas Langton*, Archdeacon of *Canterbury* and *Gervase de Habruge* (who obstinately adhered to *Lewis* and the Barons, and celebrated Divine Service to them and the *Londoners* after their Excommunication) of their Benefices; for which they were compelled to go to *Rome*. He sent Inquisitors through all Provinces of *England*, suspending and depriving Clerks of their Benefices for very small faults, and adhering to the Barons, bestowing their Livings on his own Creatures Clerks, enriched with others Spoils. He received a thousand Marks from

High

Hugh Bishop of Lincoln, and vast sums from other Religious Persons, Canons, exhausting their Purses, and reaping where he did not sow. He bare sway in the Councils of King *Henry III*, who sealed some Writs and Patents with his Seal before his own Seal was made, and usurped on his Crown, during his Minority without Opposition. *Bernardus de Nympha* came Armed into *England*, with the Bulls of Pope *Innocent IV*, to collect Money from the *Cruce signati*, for *Richard Earl of Cornwall*, the Kings Brother. Divers Blank Bulls of the Popes were found in his Chest after his Death, containing manifold Machinations of the Romans to debase and oppress *England*.

John d. Diva, an English Frier, was armed with many Papal Bulls to extort Moneys from the English for Pope *Innocent IV*, under dreadful Penalties and Fulminations. He exacts six thousand Marks out of *Lincoln Diocese*. His Exaction at *St. Albans* was appealed against, who demanded 300 Marks, notwithstanding the Appeal, to be paid within Eight days, under pain of Excommunication and Interdict, which the Pope upon an Appeal caused them to pay. He had a Bull from the Pope to inquire of all Lands alienated from Churches and Monasteries, Vexations by Provisors, all Simoniackal Contracts for Livings, to seize them to the Popes use; and Excommunicate, Interdict all Opposers without Appeal.

John Ruffin was sent with the power (though not the title) of a Legat into *Ireland*, to collect Moneys there. He extorted six thousand Marks from the Clergy there, notwithstanding the Kings Prohibition.

Otto I. Pope Honorius his Nuncio, was sent to King *Henry III*. He demandeth two Marks by way of Procuracion from all Conventual Churches of *England*; he demandeth two Dignities, and two Monks portions in all Cathedrals and Monasteries.

Pryn's Hist.
of Popes U-
surpations.

Otho, Cardinal Deacon of *St. Nicholas in Carcere Tulliane*, Legat to Pope *Gregory IX*, was received into *England* with Processions and ringing of Bells. He disposed of vacant Benefices to all that came with him, whether worthy or unworthy, the King almost did nothing without him, and adored his foot-steps. He was present in the Parliament at *York*, to mediate a peace between the Kings of *England* and *Scotland*. The Charter of Peace was sworn to, and ratified in his Presence. He desired leave of the King of *Scots* to enter as a Legat into *Scotland*, to regulate Ecclesiastical Affairs there as in *England*, who answered, That neither in his Fathers time, nor of any his Ancestors, any Legat had Entrance into *Scotland*, neither

ther would be permitted, whilst he was in his right senses. But if he entered, at his own peril he must expect violence from his rude Subjects, from which he was unable to protect him: yet he knighted and bestowed some Lands on his Nephew.

A great Fray was occasioned at Oxford by his Porters Insolence, and he was assaulted by the Scholars at Osney-Abbey, stiled an Usurer, a Simoniack, a Ravisher of Mens Rents, a Thirster after Money, a Perverter of the King, and Subverter of the Kingdom, is forced to fly secretly from thence. Both the King and he proceeded severely against the Scholars for it, by Ecclesiastical Censures, Excommunications, Penances, Imprisonments, almost to the ruin of the University.

He was denied Entrance into Scotland by the King thereof the second time. He gave a Writing under his Hand and Seal to the King of Scots, that his Admission into Scotland should not be drawn into Consequence, who took it away with him upon his private recess. He there collected the fifteenth part of the Goods of all Prelats, and Beneficed Clerks, and sent it to the Pope. The English Nobles send Letters of Complaint to the Pope against his conferring of Benefices by Provisions upon Aliens, and other Grievances. Frederick the Emperor was incensed against King Henry III, for this. Legats collecting of Moneys in England, employed in Wars against him, demanding his Expulsion out of England, as the Emperors and the Kingdoms Enemy. He demandeth Procurations for himself from the Clergy, not exceeding the sum of four Marks for any Procurator. The King sent a Prohibition to him to exact the fifth, or any other part of the Benefices of his Clerks attending on his Service, which he could by no means endure. He joyneth with Peter Rubec in exacting a great Tax from the Prelats and Abbots to shed Christian Blood, and to conquer the Emperor. The Bishops and Canons except against his intollerable Demands. He laboured to raise a Schism and Division among the Clergy, to obtain his Exactions. He demanded Procurations from the Cisterciens, who manfully denied them, as contrary to their Priviledges, which the Pope dispensed with by his *Non obstante*.

The King upon his Departure out of England, by the Popes Summons, feasted, placed him in his own Royal Throne, and at Dinner (to the admiration of many) knighted his Nephew, and bestowed an Annuity of Thirty pounds *per Annum* upon him, which he presently sold. He conferred above Three hundred rich Prebendaries and Benefices, at his own and the Popes pleasure, on their

Mat. Paris
fol. 735.

Rewards
given to
Legats.

Mat. Paris
f. 870.

their Creatures: He spoiled the Church of *Sarum*, and many other Cathedrals, leaving them destitute of Consolation. He is accompanied by the King and Nobles in great state to the Sea-side at his departure out of *England*. He left not so much Money in *England* behind him when he left it, as he drained out of it, Church-plate and Ornaments excepted. He stayed three years in *England*; great were the rewards demanded by, and given unto Legats. Pope *Innocentius* sent one *Martin* into *England* for his Legat, who was not ashamed to demand Plate, Geldings, and other Rewards without measure. And if those things wherewith he was presented, liked him not, he would proudly send them back to their Owners, and threaten them with Excommunications, except they brought him better. And other Examples in the same Authors there were divers. Rich Presents were sent unto the Legats. The Bishop of *Winton* presented *Orto* with Fifty fat Oxen, One hundred Quarters of the best Wheat, and Eight Tun of the strongest Wine for his Table. Others presented him with handsome Palfreys, rich Vessels, Furrs, Vestments; and divers other Provisions of Meat and Drink.

Mat. Paris
fol. 702.

Again, the charge of the ordinary Entertainments of a Legat was a great matter, for all his Charges were born by the Realm. What those Expences might grow unto, may be conjectured by one demand of Procurations made by the said *Orto* (which yet was but a piece of his Allowance) for in the year 1240, giving notice to the Clergy that he must tarry in the Realm some time longer than at first was assigned unto him (in which space he was not to spend of his own) commanded a second Levy of Procurations to be made, wherein he made shew of some favour more than was ordinary; giving to understand, that he meant not to receive of any Church above four Marks: and where the Churches were poor, he would be content that two Churches should joyn in contributing those four Marks.

The use of
Legats.

What benefit the Realm received for all these charges upon the Legats, the Monuments of two of the chief of these Legats, *Orto* and *Ottobon* (I mean their Legantine Constitutions, which were the fruits of their Reformation) do well shew. They contain Matter of little or no moment in the World, and such as every Bishop in his Diocese might have ordered well enough, viz. Trifles about Citations, Proxies, and other small matters.

Danger by
the stay of
Legats in

Moreover, their long abode and lingering in Countreys, cannot but be dangerous to the States where they come; because having opportunity to know the secrets of the Realm, they bestow that knowledge

[illegible]

knowledge often times unhappily, being persons imployed in the Realms more Countreys than one, and often where discovery of such Secrets proveth perillous to those Realms; where they have served before. *Nicholas Machiavel*, that great States Man, in his History of *Florence*, noteth of his time, that the most of all the Wars and Garboiles in Christendom, were kindled by the Whisperings of the Popes Legats.

S E C T. 19.

19. It is also proved by the Canon Law, that any Ecclesiastical Suit may be commenced Originally at *Rome*.

Original
Suits at
Rome.

This cannot be void of great charges to the Subject, and is very gainful to the See of *Rome*: and the Charge lieth not alone in the long Travel thither, and tedious Attendance upon that Court, but in the Cumberfomness of many intricate Questions arising upon Commissions, sometimes one crossing another, and sometimes doubtfully penned; sometimes again controlled by colour of wrong Suggestion, and a great number of ways besides, whereof the Decretals are full, and most of them are directed to Bishops of this Realm, which betokeneth that this Plague hath touched our English People more than any other.

The Subjects were constrained to follow the Popes Consistory for their right, and there to waste themselves in Suit, in such wise, that one Case of *England* was thirty years depending in *Rome*, *Ante litem contestatam*, as *Speculator* writeth. And the case between the Archbishop of *Canterbury* and the Archbishop of *York*, for the Controversie whether the Archbishop of *York* might have a Cross born before him within the Diocess of *Canterbury* (a goodly Matter for Bishops to contend about) did hang many years in the Court of *Rome*. And likewise the Case between the Bishop of *Worcester* and the Abbot of *Evesham*, for the Vale of *Evesham*. The Decretals are full of English Cases, decreed even as the parties found favour in the Court of *Rome*. And the poor Cause of Matrimony of *Cerwood*, did hang in *Rome*, and was reserved there by Act of Parliament, and never was decided. And that very point was the occasion that King *Henry VIII.* did look into the Usurpation of *Rome*; because the Pope would needs Excommunicate the King for not answering in his own Case at *Rome*, as is notably discovered by *Bellay* in his *Memoires*, who was the Ambassador for the French King in *England*, and was sent of purpose to *Rome*, to stay the Excommunication, and could not get six days respite; and yet within these six days the Messenger came with Instructions to have appeased the Matter.

Bellay in
Memoires.

Great sums
carried out
of the
Realm for
Dispensati-
ons.

What infinite Treasure was there carried out of the Realm by the Pope's Collectors, and by Bankers for Bulls and Dispensations; no man can tell. Therefore the French King hath many times made Edicts against the Carrying out of Money for Bulls out of *France*, as of a thing that spoiled the Realm of their Treasure; using the Term, *Epuiser les Treasors du Royanme*, as a man doth draw the water of a Well, to dry up the Waters.

The Sums that were yearly made of Dispensations and Absolutions in Cases reserved, were infinite; as also of Pardons and Indulgences; and other Faculties. It appeareth by the Book of Taxes made for Dispensations in the Reign of *Henry VIII.* that there were found Two hundred and sixteen Letters of Dispensations given by the Pope, and that the Tax of some of them were Two hundred Marks, of others an Hundred Pounds, &c.

*Tho. Wal-
singham*
fol. 257.

Thomas Walsingham writeth, That in the time of King *Richard the Second*, one *Pilem* the Pope's Legate, made such a Market with Sale of Faculties, that his Officers that were about him in that Service, grew weary of taking Silver; and did not stick to say, *That they had Silver enough, and therefore would not afterwards be paid for their Wares in any Coin but in Gold.*

*Matth. Pa-
ris* fol. 1145.
Anno 1252.

Robert Grosset Bishop of *Lincoln*, being suspended his Bishoprick, for opposing the Pope's Provisions, and trampling them under his feet, caused his Clerks to take a view of all the Spiritual Livings of Aliens in this Realm, and to make a diligent Inquiry to what an Annual Sum they amounted unto; who found them to exceed above Seventy thousand Marks. And it may be easily collected what the Pope's Share was in those Gifts.

What the ordinary Payments were, that were yearly made to the See of *Rome*, he that shall make the strictest Inquisition, shall hardly understand.

The Kingdom of *England* being daily oppressed with many intolerable Grievances, and divers new Devices to extort Moneys more than before, in the dayes of King *Henry the Third*, he summoneth a Parliament at *London*, by reason of the Complaints of the English against those Grievances, which they could no longer tolerate without the brand of Sluggishness, and their own imminent ruin. Great was the Indignation of the Pope against the miserable English, for that they durst complain against their daily injuries and oppressions in the Council; which he so multiplied, that the English were

were more vile in his eyes and the Court of Rome, than any other even of the remotest Nations: Insolently saying, *It is expedient for us to compound with the Emperour Frederick, that we may trample the little King of England under our Feet, who now kicks with the heel against us.*

Then the King, the Nobles, Archbishops, Bishops, and Abbots, drew up seven Articles in Parliament against the Popes Grievances and Oppressions:

1. In Extorting and Collecting several Sums of Money by General Taxes and Assesses, without the Kings Assent or Consent, against the ancient Customs, Liberties, and Rights of the Realm, and against the Appeal and Contradiction of the Proctors of the King and Kingdom made in a General Council.

2. In hindering Patrons to present their Clerks to Vacant Livings, and bestowing them by Proviso's on other Roman Clerks, utterly ignorant of the English Tongue, to the peril of the peoples souls, and impoverishing the Realm beyond measure, by transporting Money out of it.

3. In granting Pensions out of Livings by provision, and more provision of Benefices than he promised, after his Bull against them.

4. That one Italian succeeded another, That Subjects causes were drawn out of the Realm by the Pope's Authority against the Custom of the Realm, against the Written Laws; that men ought not to be condemned among their Enemies; and against Indulgences granted by his Predecessors to the Kings and Realm of England.

5. The frequent mention of that infamous word, Non-obstante in his Bulls, by which the Religion of an Oath, ancient Customs, vigour of Writings, the Established Authority of Charters, Laws, Priviledges, were debilitated, vanished away; and his not carrying himself courteously towards the Realm, in revoking the plenitude of his power, as he promised.

6. That in the Benefices of Italians, neither their Rights, nor sustentation of the poor, nor hospitality, nor preaching of Gods Word, nor the useful Ornaments of the Churches, nor Cure of Souls, nor Divine Services, were performed as they ought to be; and according to the Custom of the Country.

7. That the Walls of their Houses fell down, together with their Roofs, and were dilapidated.

To which other Complaints to the King and Parliament against the Court of *Rome*, were super-added; which they sent to the Pope by their respective Messengers, with five several Letters, two from the King to the Pope and his Cardinals, a third from all the Archbishops and Bishops, a fourth from all the Abbots and Priors, the fifth from all the Earls and Temporal Lords, speedily to reform all their Grievances, to prevent unavoidable Mischiefs to the King, the Pope, and the Church of *Rome*, and their revolt from Subjection to them.

They complained, that the Pope demanded Knight-service due only to the King, to Lords from their Tenants, from Prelats and Clergymen, to find him so many Horse or Foot for half a year, or pay a great Ransom in lieu of it, under pain of Excommunication, which they must reveal to no Man. That he granted one years Fruits of all Benefices that fell void within the Province of *Canterbury* to Archbishop *Boniface*. That he by sealed Bulls required the Abbots of the *Cistercian* Order in *England*, to send him golden Jewels to adorn his Planets and Copes, as if they might be got for nothing. That if any Clerk should from thenceforth die intestate, his Goods should be converted to the use of the Pope; which he commanded the Friars, Preachers, and Minors, diligently to execute, seizing on the Money, Goods, and Plate of three rich Archdeacons, which the King hearing of prohibited; and by the common advice of his Nobles and Prelats in Parliament, issued several successive Prohibitions to the Abbot of *St. Albans*, and others, not to pay any Tallage to the Pope or his Agents, before the return of their Messengers to *Rome* against these Grievances, under pain of seizing his Barony: and to the Bishops, not to exact or levy any such Tax, for any Clerk, Religious Person, or Lay-man, to the prejudice of his Royal Dignity, against his and his Nobles Provisions in Parliament; which he neither could nor would indure.

The Pope contemned the zealous Letters and memorable Complaints of the King and whole Kingdom against his Exactions, requiring the Bishop of *Norwich* and others, to levy a Subsidy for him, at which all were amazed. The King summons a new Parliament at *Winton*, concerning the manifold Grievances of the whole Realm, and especially of the Church; wherein the Messengers sent to the Court of *Rome* reported, *That they could discern no Humility nor Moderation in the Popes Gestures or Words, concerning the Oppressions wherein the Church and Realm of England were grieved,*

and

and whereof they complained. That when they expected a pleasing Answer, the Pope told them, *The King of England, who now kicks his Heel, and Frederizeth, hath his Council, and I have mine, which I will pursue. That from that time scarce any English Man could dispatch any Business in Court; yea, they were all repelled, and reviled as Schismatics; so as so many Epistles of the King, and the universality of the Nobles and Prelats of the Realm, had no efficiency at all.*

At which Report the King and Nobles being much exasperated the King by their Advice commanded Proclamations to be made through all Countreys, Cities, Boroughs, and Villages of the Realm, that no Prelate, Clerk, or other Person, throughout the Realm, should consent to any Contribution to the Pope, or transmit any Money towards his Aid, or in any wise obey his Papal Commandement: which was accordingly done.

The Pope hearing thereof, wrote to the English Prelats more sharply than before, requiring them *under pain of Excommunication and Suspension, to pay in the Aid he demanded, to his Nuncio in the New Temple before the Feast of Assumption.* Hereupon the King was so terrified with the Popes Menaces, that he and the Richest Prelats complied with his Designs, paying 6000 Marks to the Pope, to the great impoverishing of the Realm; which was transported by the Pope's Nuncio and Merchants, to aid the Landgrave against the Emperor Frederick; part whereof he intercepting, grievously reprehended the Effeminacy of the English, and of Richard Earl of Cornwall, for yielding to the Popes party, to the Destruction of the Realm of England, and detriment of the Empire.

The Pope intended to have interdicted the Realm of England, had they not paid his 6000 Marks, and the King by his Nuncio's signified his Compliance to it. Now all the consolation and hope of relieving the English, expired; their Enemies being their Judges.

S E C T. 22.

21. Hereunto I shall add what I found in an Ancient Manuscript, which briefly gives us an account of what things were heretofore beneficial to the Court of Rome, and prejudicial to the Realm of England, which are as followeth:

1. *The procuring of Favour for all manner of Faculties, and Dispensations at Rome.*

2. *The ordinary Fees for Dispensations and Faculties, besides Expences in suing out the same.*

3. *The*

3. *The kinds of Faculties and Dispensations; that in the beginning of Queen Elizabeths Reign, appeared in the Book of Faculties, remaining then with the Queens Clerk of the Faculties.*

4. *The stranger the Faculty and Dispensation was, which was sued for, the dearer was the Favour and Fees that were paid for the same.*

5. *The Gift of all Bishopricks, Abbeyes, Monasteries, &c. in England, whereof the present Incumbent died in the Court of Rome.*

6. *The Prowisions procured from Rome for the best Bishopricks, Abbeyes, &c. when they fell void, or were voidable by the Law.*

7. *The Appellations to Rome, to stay all ordinary Law and Justice of Courts.*

8. *The Citations from Rome, in arrest of Judgment procured from Rome, when Men knew or suspected the Law would pass against them.*

9. *The Bishops Suit at Rome for their Pall.*

10. *The Abbots Suit at Rome for the confirmation of their Elections.*

11. *The preferring of Strangers to the best Promotions of the Realm (as hath been largely shewn before.)*

12. *The procuring of Bulls by Bishops, Abbots, Priors, and Colledges, to be out of the Kings Visitation and Prerogative.*

13. *The First-fruits and Tenths of all Spiritual Promotions. The First-fruits of vacant Benefices were granted by Pope Innocent IV. to Archbishop Boniface for seven years, to raise Ten thousand Marks, to pay pretended Debts of the Bishoprick; an unheard of Innovation in England; opposed by the Bishops, Nobles, and the King at first; yet enforced by Excommunications. But the Benefices of Noblemens, and Laymens Patronage, and the Kings free Chappels, were exempted from them by Order of Parliament, and the Kings Writs*

14. *Peter-pence granted by the Kings Ina and Offa to the English School at Rome, not to St. Peter; called Peter-Pence, because payable upon St. Peter's day, excepted in King John's Charter to the Pope, frequently demanded by the Popes. Granted to St. Albans Abbey by King Offa, confirmed since by Popes Bulls.*

15. *The strange number and kinds of Pardons, to allure all sorts of People to take and purchase them. Frier Tecel, to set forth the glory and prevalency of the Popes Pardons (whereof he was the Pedler in Germany) for the comfort and encouragement of Harlots and Whoremongers, so far forgot the Honour and Reverence he should have given to the chaste Virgin Mary, that he impiously averred, If a Man had lain with our Blessed Lady, the Mother of Christ, and gotten her with-child, yet the Popes Pardon was able to set him free from this Offence.*

Pardon

Pardons were granted from the Pope for Eighty two thousand years; for saying a short Prayer at Christs Sepulchre in Venice, toties quoties. For saying every Ave Maria in our Ladies Crown, consisting of 63 Aves, Two hundred eighty eight days Pardon of all sins; and every Holy Mary in it 40 days Pardon: and for saying the whole Crown of 63 Aves, and 12 Pater-nosters, by several Popes Indulgences, Two hundred seventy three thousand, seven hundred fifty eight days of Pardon. And by the Bull of Pope Sixtus IV. Twelve thousand years of Pardon for every time any Person in the State of Grace, shall say this Prayer: Hal! most holy Mary, Mother of God, Queen of Heaven, Gate of Paradise, Lady of the World, Singular and Pure; Thou art a Virgin, thou hast conceived Christ without sin: Thou hast brought forth the Creator and Saviour of the World, in whom I doubt not; Deliver me from all Evil, and pray for my Sins. Amen.

Bernardinus
de Bussi
Martiale.
part 12.

Here I shall present you with some Indulgences granted by Pope Gregory XIII. at the instance of the Popish Bishop of St. Asaph, in favour of one Mr. John Swynborn an English man, the last day of March 1574.

1. **W**Hosoever having one of these blessed Grains or Beads (*viz. some consecrated Grains and Beads sent by the Pope*) among his other Beads; and shall (being confessed and communicated) say over his Beads, or the Rosary; or shall read the passion of Christ our Saviour; or say the Seven Psalms with the Letanies, praying for the Pope's Holiness, or for the Unity of the whole Common-wealth of Princes and Christian people, with the See Apostolick, and for the Reduction of the Hereticks Septentrional; shall for every time obtain full Remission of their Sins, as is granted in the Holy Wars against Infidels.

2. And in the days of the Conception, Nativity, Annunciation, Visitation, Purification, and Assumption of Our Blessed Lady, being confessed and communicated; and saying over your Beads, or the Office of our Lady; and praying for the Reduction of the Hereticks of England and other Countries Septentrional, shall obtain in every the above-named days, all the Indulgences that be granted to our Lady of Loretto, of Monteferato, of St. Angelo, and of Sta. Maria Maggiore of Rome, and any other Churches of our Lady in the whole World.

3. And so often as any having Contrition of their Sins, shall devoutly hear Mass, or Sermon, or say the Ave Mary in the Morning,

ing, Mid-day ; and at Night , when the Bell tolleth , they being bare-headed , and kneeling upon their Knees ; or shall bear with them three Beads at their Girdle , or other place open to be seen , or shall do reverence to the Image of the Crofs , of our Lady , or any other Saint ; or shall examine their Conscience at Night before they go to sleep : or shall , going in or out of the Church , or their Chamber , take Holy Water ; or perswade or move others to do the same ; or shall charitably reprehend Blasphemers and other Sinners , shall for every time so doing obtain an hundred years of Indulgences.

4. And such as shall teach the Ignorant the Matters of the Faith , according to his or their Estate , or openly defend in every place the Catholick Church , by Writing , Catechising , Preaching , or by any other means , they then shall obtain thereby the third part of their sins to be forgiven.

5. Also thrice in a mans life-time , after he shall have fasted three days , and said over the whole *Psalter* , and his Beads once ; or given sufficient Alms , or done some other good Deed equivalent ; making to a Confessor appointed by his Ordinary , or Superiour , a general Confession (that is) either of his whole life , or of that which is passed since his last general Confession was made ; and being communicated , shall obtain thereby full remission of all his other sins.

6. Moreover , every day in *Lent* , saying over with Devotion and Contrition of Heart , and Desire of the Increasing of the Holy Faith , his Beads , Fasting also if he may , otherwise praying , or doing some other Charitable Works , according to his Confessors Counsel , shall obtain therefore all the stations of *Rome* day by day , as they be appointed in divers Churches thorowout the whole year.

7. Moreover , Every Friday of the Moneth of *March* , and in the days of the *Invention* and *Exaltation of the Crofs* , saying over the *Corona* , or Beads ; or the Office of the Crofs ; and upon *Good-Friday* the Seven Psalms with the Litanies , being confessed ; or having purposed to be confessed , as soon as they may ; shall obtain therefore all the Indulgences of the Holy Sepulchre at *Jerusalem* , of *St. Crofs* in *Rome* , of the Holy Chappel in *Paris* ; and all the places where any Relicks be of our Saviour Christ's Passion.

8. *Item* , Upon *All souls* day saying over the Beads with Contrition , and being present at the Service said for the Departed out of this Life , or (at the least) hearing a Mass ; or saying over , or causing one to be said , shall deliver one soul out of the Pains of *Purgatory*. Every Monday also , he that saith over his Beads or *Dirige* ,
for

for the Departed out of this Life, shall obtain the same Indulgences which be obtained in Rome for Visiting Holy places for that purpose.

9. *Item*, Every Sunday and Friday, saying over the Beads for the increase of all Orders of Religion, of Cathedral Churches, Curial and others, namely *Tramontaines*, they shall be partakers of all the Prayers and Sacrifices of the same, as though they were corporally present with them; praying also for the *Indians* and parts without *Europe*, they shall be partakers of their well-doing, which travel in those Countreys in the Vineyard of God.

10. *Item*, It is granted, That for once or twice, an Unhallowed Grain or Bead may be put in the place of an Hallowed Bead or Grain, if it be lost or broken, and have the same Indulgences.

The Conclusion is in this manner, *Laus Deo, Virginique Marri*, Praise be to God, and the Virgin-Mother.

16. Hereto may be added the Special Pardons and Bulls given to special Places of Pilgrimage, and the advancing of new found Miracles and Pilgrimages, with new granted Bulls and Pardons. There is no Church of note among them, no notorious Image, to which Men go on Pilgrimage, no Author of any new Sect, scarce any Religious House, which is not famous by one or more pretended Miracles.

If a man will trouble himself to read the Lives of their Saints, their Legends, and Books of the like nature, he shall tire out himself with the Reports of Miracles, far more strange than we can read of any in the Scripture.

Bellarmino glorieth in the daily Tydings of Miracles wrought by the Jesuits, which are brought to Rome. Large Narrations are of the Miracles of *Napierus* a famous Jesuite, of our Lady of *Mountraign*, of our Lady of *Hall* in the *Low Countreys*, and of many other such Idols. Almost a mans life were too little to read over all of this kind, and now more multiplied than ever heretofore.

And we may suspect their Miracles, when divers of their own Authors have called in question the truth of them. *Lyranus* saith, That people are much deceived by Miracles made by Priests and their Fellows for worldly gain. *Alexander Hales* a great Schoolman saith, That they make sometimes the *Host* to appear in the Sacrament; partly, Humana procuratione, interdum operatione Diabolica: by humane procurement, and sometimes by the working of the Devil. And *Claudius Elgencans*, sometime Bishop of Paris, saith, No stable is so full of dung

ding, as their Legends are of Fables in this kind. And Cauns in his Common Places saith, That in the Legend a man shall read Monstra Miraculorum. Thus I say, The words of divers eminent Men of their own side, doe make us suspect their Miracles to be but Tales.

Many of the things themselves in common conceiving are ridiculous, as that old Tale of *St. Dionysius*, that carried his Head in his hand after it was stricken off: Of *Clement the First*, that when he was cast into the Sea with a Millstone about his Neck, the Sea fled three miles from the Shore, and there was found a little Chappel ready built in the Sea; where his Body was Bestowed.

I have also read of another, who stuck his Staff down by him at the Bank-side, which kept the River from over-flowing the Banks; and soon after it sprang up, and spread it self into a mighty Tree. There are a world of such Tales, enough to weary any one to recite them. And yet even such as these had Bulls and Indulgences granted to them.

17. The special Jurisdictions and Exemptions that one Bishop and Abbot procured above another.

18. Their providing that no Condemned Clerk might be Executed.

S E C T. 23.

In this state (as hath been expressed) this Realm stood (for the most part) by the space of 300 years after the Conquest: The times that followed were somewhat freed from certain degrees of the Popes Tyranny, by reason that the Kings of this Realm armed themselves with Laws made in defence of some of their ancient Liberties, and Executed others with better Courage than their Predecessors.

But I doubt, if God for our sins should cast us again under his Yoke, none of those Laws would save us from the extreame of all those mischiefs which I have here set down. My Reasons are,

1. The Popes are no Changelings, but were the same after those Statutes, and are the same men that they were before; and to put us out of doubt, made continual claim to their Usurped Authority in the time of the later Princes.

For in the Reign of King *Henry V.* Pope *Martin the Fifth* sent to levy a Subsidy upon the Clergy of this Land, for maintenance of his Wars against the *Bohemians*. And he made *Henry Beaufort* the rich Cardinal of *Winchester* his Legat for these Wars, who did valiantly there for certain moneths together, assisted with the foresaid Subsidy, until he was re-called by the Pope.

And two other Subsidies were afterwards required, to persecute

two private persons of this Realm; viz. *Peter Clerk*, and *William Russell*; in the time of King *Henry VI.* the Cardinal of *Winchester*, notwithstanding the Statute against Provision, procured the Popes Bull to take again his Bishoprick of *Winchester*, which he had lost by his Cardinalship; and after obtained a Pardon from the Pope against the penalty of the Statute.

For. Acts
and Monu-
ments.

And in the same Prince's Reign, *Lewes* Archbishop of *Roan*, after the death of the Bishop of *Ely*, had all the Fruits and Revenues of that Bishoprick granted unto him during life; but was therein resisted by the King. Other Examples there be of like sort.

2. In the last Council of *Trent*, there is a special Constitution for Restitution of all Ecclesiastical Liberties; and therein the Emperour, all Kings, Princes, and States, are commanded that they see them protected.

Council. 17
Trident.
Sess. 5. c. 18.

The Title of Ecclesiastical Liberties, reacheth to every of Points before touched, and therefore we may conjecture what we are to look for.

3. The Pope yearly publisheth one Excommunication, which is called *Bulla de Cans*, wherein by Name are comprised all that be any let to such as would prosecute any Suit at *Rome*; or that suffer not the Popes Bulls, Commissions, and other Processes whatsoever, to be executed. And all that execute any Statutes, Derogative to the Liberties of *Rome*, be the custom to the contrary never so ancient; and such as impose Tenths, Subsidies upon the Clergy, or receive them at their hands with good consent, except the Pope allow thereof; and those also which force any Ecclesiastical Person to answer before them in Criminal Causes, being Lay-Judges, &c. So saith *Martinus ab Azpil*, in *Enchyridion*; c. 27. Which Book was made by the special Commandement of Pope *Gregory XIII.* The warning given us by Bulls published in Queen *Elizabeths* Reign, assureth us that if he may have place again, he meaneth not to dally with us.

4. Some of our unnatural Countrey-men in some desperate Books of theirs, long since cast abroad against the Execution of Justice, have not spared to tell us, that the Laws made in Catholick times, viz. the Statute of *Priemunire*, and some other, were bad Laws, and not to be allowed. And again, there were found upon some which came in Queen *Elizabeths* time to disturb the Peace of this Realm, small Pamphlets, containing Directions (as they would have them taken) for Mens Consciences, wherein they delivered many things to trouble those persons whose Consciences were

were

were possibly in those Points stayed, in confidence of the Ancient Laws of this Realm, and upon some Grants made by the Pope himself.

5. The Pope hath challenged a Sovereignty over this Realm, to bestow it where he listeth, as feudary unto himself, having formerly received a Tribute, viz. The *Peter-pence*, which was in times of Popery of every House a penny. Whereby *Bodin* in his Book *de Republica*, argueth, that the Realm of *England* is not a Sovereign Estate; not to speak of the yearly Tribute paid unto the Pope by King *John*, and some other Princes his Successors. This may serve the Pope for a mean to bridle all the Old Statutes and the Liberties of our Countrey, and to spoil the Prince of all his Prerogatives. We know how he dealt with *Sicily* and *Naples*, long ago; wherein it were an hard matter for the proudest of side to justify his Title: And that he hath put out, and put in Kings at his will, and sometime offered their Kingdoms to sale: And from King *Henry* the Third, by the shadow of a bare Title, the Pope got infinite sums of Money, to the great exhausting of his Treasure, and impoverishing of the Realm.

When *Stukeley* and *Fitz-moris* were at *Rome*, they and the Pope practiced to give this Realm in Prey, as he did the Kingdom of *Navarre*, and the Empire from the Emperor *Frederick*, and also to get an Investiture of the Realm of *Ireland* from the Pope, as of a Sovereign; but they could not agree upon whom the Pope should bestow that Realm.

